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L. A. Bill No. 4 of 1964.

NOTIFICATION

No. 738-LA.4|64.

Dated, Trivandrum, 6th February 1964.

The following Bill together with the Statement of Objects and Reasons, is published under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Legislature Secretariat,
Trivandrum.

D. TIRUMALAI,
Secretary,
Legislative Assembly.

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THE KERALA BUILDINGS (LEASE AND RENT CONTROL) AMENDMENT BILL, 1964

A
BILL

further to amend the Kerala Buildings (Lease and Rent Control) Act, 1959.

Preamble.—WHEREAS it is expedient further to amend the Kerala Buildings (Lease and Rent Control) Act, 1959 (Act 16 of 1959) for the purpose hereinafter appearing;

BE it enacted in the Fifteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Buildings (Lease and Rent Control) Amendment Act, 1964.

(2) It shall come into force at once.

2. *Amendment of section 11.*—In section 11 of the Kerala Buildings (Lease and Rent Control) Act, 1959 (Act 16 of 1959), for clause (b) of sub-section (2), the following clause shall be substituted, namely:—

"(b) The order directing the tenant to put the landlord in possession of the building shall not be executed before the expiry of one month from the date of the order of the Rent Control Court or such further time as the Rent Control Court may in its discretion grant; and if the tenant deposits the arrears of rent with interest and cost of proceedings within one month of such order or such further time granted by the Rent Control Court, it shall vacate that order:

Provided that the Rent Control Court shall not grant such further time in any case more than once".

STATEMENT OF OBJECTS AND REASONS

In Mohamed Khani Rowther *Vs.* Thaivana Ammal (1963 K.L.J. 133), the Kerala High Court has interpreted section 11(2)(b) of the Kerala Buildings (Lease and Rent Control) Act, 1959 (Act 16 of 1959) to mean that the Rent Control Court has no power to extend the period of one month granted under that sub-section and that if any other period is to be regarded as the time allowed by the order, then the original order should provide for the same and that the Court had no jurisdiction to pass another order to extend the time. This interpretation is likely to cause great hardship to the tenants. In order to prevent hardship to the tenants by this interpretation, it is considered necessary to amend section 11(2)(b) of the said Act. The Bill is intended for this purpose.

P. P. UMMER KOYA